WP(C) 4085/2007

BEFORE

HON'BLE JUSTICE MR I. A. ANSARI

Heard Mr. D. Baruah, Learned counsel for the petitioner, and Mr. P. K. Roy, learned Senior Government Advocate, appearing on behalf of respondent Nos. 1, 2 and 3. Also heard Mr. S. Baruah, learned counsel, appearing on behalf of respondent No. 4 and 5.

By a letter, dated 16.05.2005, issued by the respondent No. 1 to all the General Managers, Industries and Commerce Centres, direction was given not to issue temporary/permanent registration for setting up of Coke industries until further instructions from the Government. Because of the said letter, dated 16.05.2005, the respondents, particularly, respondent Nos. 4 and 5, have declined to issue No Objection Certificate as had been sought for by the petitioner. The letter, dated 16.05.2005, aforementioned stood impugned in WP(C) 8216/2005 and WP(C) 8228/2005 and, by judgment and order, dated 24.07.2007, the directions, contained in the said letter, dated 16.05.2005, have been set aside and quashed.

In view of the fact that the letter, dated 16.05.2005, aforementioned stands set aside and quashed, the said letter cannot be made basis for declining to grant 'No Objection Certificate' to the petitioner.

Considering, therefore, the matter in its entirety and in the interest of justice, this writ petition is disposed of with direction to the respondents, particularly, respondent Nos. 4 and 5, to consider, in the light of the relevant provisions of law, the petitioner's request for granting 'No Objection Certificate'. While so considering the request of the petitioner, the respondents/authorities concerned shall treat the directions contained in the letter, dated 16.05.2005, aforementioned as non est.

No order as to cost.